FOR MYSORE STATE

G.O. NO. 2788

Dated 24-9-1953.

REVENUE DEPARTMENT
Subject

ASSIGNMENT - Land - (South Kanara) - Puttur taluk - Belthangady Sub taluk - Ujre village - S.No.327 - Encroachment - Proposals for assignment.

- -

Ref.No.B.3211/53-3,

Station:-Madras. Dated 2nd September 1953.

From

Sri W.R.S.Sattianathan, I.C.S.,
Commissioner of Land Revenue.

Sri C.S.Krishna Moorthi, I.A.S.,
Secretary, Board of Revenue, Madras

Read:- From the Collector of South Kanara No.A1-20365/52-6, dated 19-3-53.

REFERENCE:

Submitted to the Government.

2. The question raised by the Collector is about the advisability of assigning lands to landed rich persons by relaxing the present orders which permit assignments of land only to landless poor persons. This question was examined by the Full Board with reference to ~~xx~~ decision No.3 contained in Government Memorandum No.1055-F/52-3, dated 18-2-53 on which the Board has offered its remarks-vide Board's Mis.No.965, dated 25-8-53. In respect of this decision, the Board has suggested that Collectors may bring up hard cases for decision on merit. In this particular case, the Collector recommends permanent

p.t.o.

assignment. It is reported in para 2 of the Collector's report that the plot is in the middle of the block. But a perusal of the sketch at page 15 C.F. of the Collector's file shows that the field is adjacent to the encroachers patta lands S.Nos.494/1, 494/4 and 310/1. These are all contiguous. S.No.310/1 has got access to S.No.309, which is a poramboke land. So, there is no need to give a right of pathway to the encroacher over other Government lands. In view of the facts explained above, the Board supports the Collector's recommendation for the assignment of the land S.No.327/2, measuring 5.50 acres to the encroacher, who is not a landless poor person.--

IN DUPLICATE.
By Regd.Post.
Ref.C.No.Al. 20365-52-6

S.A.Collector's Office,
Mangalore dated 19.3.53

From

Sri C. A. Ramakrishnan, I.C.S.,
Collector of South Kanara.

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To

The Secretary to the Board of Revenue,
Land Revenue, Chepauk, Madras 5.

Sir,

SUB: ENCROACHMENT: Land- Puttur taluk- Belthangady sub taluk- Ujre village- S.No.327- A.W.eviction - Appeal proposal for assignment sanction requested.

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REF: Petition dated 28.7.1952 from Sri Bolambi Ali Beary.

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The Appellant, Sri Bolambi Ali Beary of Ujre village has encroached upon an extent of 5.50 acres in S.No. 327 of Ujre village in Belthangady sub taluk by means of a mud wall on two sides. The encroachment is denoted as S.No. 327-2 in the sketch at page 17 of the current file. The encroachment was made in 1947 and when the ban on assignment was lifted in G.O.No.1523 Rev. dated 11.6.49 the encroacher applied for its assignment. As the appellant was not a landless poor man and as the plot formed portion of a block of over 100 acres in extent, encroachment proceedings were instituted against him. The Deputy Tahsildar who inspected the encroachment however found the appellant an enthusiastic agriculturist deserving encouragement and hence he submitted proposals for relaxation of the provisions of G.O.1523 Rev. dated 11.6.49 so as to assign the land to him. But the Revenue Divisional Officer Puttur asked the Deputy Tahsildar to consider the question of leasing out the plot under B.S.O. 15 -A. Though the appellant first agreed to take up the land on short-term lease he later, insisted upon the lease of the land for a long-term The Revenue Divisional Officer did not agree with this and hence eviction proceedings were gone through. The encroacher has therefore filed this appeal before me. He wants that the plots may be assigned to him.

2. I inspected the encroachment on 9.3.53 in the presence of the encroacher. Except the mud wall on two sides to a height of about 2 feet, the plot practically contains no improvements effected by the encroacher. There is only jungle growth on the land. The appellant owns 5.25 acres of wet and 5.11 acres of dry land. The plot is in the middle of the block. In view of the present policy of the Government there can be no question of assignment to him. As he has not effected any improvements beyond constructing the mud walls on two sides, eviction will not also cause any hardship.

3. It appears to me that this case raises an important question regarding the present assignment policy of the Governmen The State of affairs in this village in regard to assignment of land is as follows.

1. Total extent of the village: 6517.25 acres.
2. Total extent A.W.land in the village. 3673.52 acres.
3. " reserved for scheduled classes. 164.65 acres.
4. " " assigned to scheduled classes. 81.92 acres.
5. " " of land assigned to others in the last 20 years. 382.64 acres.
6. No. of pending darkast applications- 4

Thus out of the vast extent of 3673-52 acres of a.w. land in the village an extent of only 382.64 acres has been assigned in the last 20 years and there are now only 4 pending darkhast applications which even if granted would account for only 40 acres. Judging from the rate of assignment in the past, it will take about 200 years more for all the waste land in the village to be assigned.

4. I am of the opinion that in the public interests and in order to attain self-sufficiency in food, a definite target date, say within the next 5 years, should be fixed to bring all waste land under cultivation, if real progress is to be made in attaining self-sufficiency in food. It is not in the best interests of the country that such large extents of lands are kept waste, merely became poor persons are not willing to come forward to take up the lands on assignment. If moderately well-to-do persons like the appellant are not excluded from getting lands, there will be appreciable quickening of the place of assignments. There can be absolutely no objection in a case like the present (where the encroacher after all is not a 'rich' person but belongs only to the lower middle-class) to assign the encroached portion.

5. The land is a dry one and is fit only for raising trees like cashew, mango and other trees. Merely leasing out the land for a short-term or for a period of 30 years, may not be attractive when it is a question of raising trees, which will begin to yield only after 5 years, and which will be in a fully yielding condition even at the end of 30 years.

6. In the circumstances stated above, I request that the Board may be pleased to point out to the Government the draw-back of their present assignment policy and to obtain permission for allowing the assignment of the encroached portion viz. S.No.327-2 (5.50 acres) to the appellant.

7. The following records are enclosed for perusal and return.

(i) Belthangady Deputy Tahsildar's B.M.R. 16-61
(ii) Open file pages 1- 54 c.f.)

Read:-

From the Coll^r of South Kanara
letter A1-20365/52-6 dated 19-3-53
from the Bd of Rev, Ref B-
32-11/53-3 dated 2-9-53
ej.o. no. 2788 dated 24-9-53

On the circumstances reported
the govt accept the recommendation of
the Bd of Rev in its reference read above
and in relaxation of the current orders
relating to assignment of land in
~~compact blocks~~ direct that an extent
of 5.50 acres in S. No. 327 of Ujire village
Belthangady sub-taluk, puttur taluk
South Kanara District, be assigned in
favour of Sri Bhandri Ali Beary
on collection of full market value

2. The assignment is subject to the
usual conditions and any other special
conditions which the Coll^r of
South Kanara may deem necessary to
impose

ABSTRACT

LAND - (South Kanara) - Puttur taluk - Belthangady sub-taluk - Ujre Village - S.No.327 - Extent of 5.50 acres - Assignment to Sri Belambi Ali Beary - Ordered.

Revenue Department

G.O.Ms.No.2783. Dated 24th September 1953, Read the following:-

From the Collector of South Kanara, Letter A1-20365/52-6, dated 19-3-1953.
From the Board of Revenue, Reference B-3211/53-3, dated 2-9-1953.

ORDER:

In the circumstances reported, the Government accept the recommendation of the Board of Revenue in its reference read above and in relaxation of the current orders relating to assignment of land, direct that an extent of 5.50 acres in S.No.327 of Ujre village, Belthangady sub-taluk, Puttur taluk, South Kanara district, be assigned in favour of Sri Belambi Ali Beary, on collection of full market value.

2. The assignment is subject to the usual conditions and any other special conditions which the Collector of South Kanara may deem it necessary to impose.

3. The following records received with the Board's reference are returned herewith:-

(i) Belthangady Deputy Tahsildar's B.E.R.16-61 and
(ii) Open file (pages 1-34 o.f.) .

(By Order of the Governor)

S.K. CHETTUR,
Secretary to Government.

To
The Board of Revenue (Land Revenue). (with records as per list)-
Copy to the Collector of South Kanara.

(True copy)
Forwarded/By Order

Superintendent.

20,002—8-5-53.

ORDER PAPER.

Revenue Department.

Subject. Assignment - Land - South Kanara - Puttur taluk - Belthangady sub-taluk - Nigre village - S. No 3 27 - Assignment to Sri Bolambi Ali Beary - proposals.

Recommendations of Circulating Officer. 5.5 acres may be assigned on collection of full market value

Macleod 16.9.53
D.S. Rev.

Mitchell 17/9/53
Rev Secy

Orders of Ministers.

(1) M (L.R.) M. A. Manickavasagam 21-9-53

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

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If orders passed in the Cabinet, Decision of Cabinet.

Assignment - Land - South Kanara Puttur taluk - Belthangady sub-taluk Nyre village - S.No 327 - Assignment to Sri Bolandri Ali Beary - proposal

PP 1-2 ~~of~~ from the Bd of Rev Ref B. 3211/53-3 dated 2-9-53.

To R.S

Please see the letter from the Coll. of South Kanara at PP 3-H & F and the Board's remarks thereon at pp 1-2 C.F.

2. The Coll. of South Kanara has submitted proposals for the assignment of an extent of 5.50 acres in S.No 327 of Nyre village, Belthangady sub-taluk South Kanara district in favour of the encroacher, Sri Bolandri Ali Beary. A full history of the case is given in the Coll's letter at pp 3-H & F which may be perused. The Board has recommended the proposal. under the current orders, land is assigned only to landless and poor persons likely to engage themselves in direct cultivation the applicant is not a landless and poor person as he owns 5.25 acres of wet and 5.11 acres of dry land therefore he is not eligible for the land grant unless the rules are relaxed in his favour

3. According to para 6 of G.O. No 15-3 Rev dated 11-6-49, compact blocks should be assigned only to co-operative societies, consisting of persons mentioned in para 2 of the G.O, except in cases where a departure from this

reple. i. Us permitted by the govt.
g.o. ms. no 3097 Rev dated 20-11-52,
govt permitted, in relaxation of the
rs in para 6 of g.o. no 1523 Rev dated
49, the assignment to landless per-
ons of all categories, of lands in
act blocks in the south Kanara
rict. The assignment is to be made
gularly beginning from one end of
compact blocks. In this connection
(also)
ay be mentioned that according to
decisions of the cabinet, lands in
act blocks should be assigned only
to landless and poor persons or
operative societies consisting of
ely landless and poor persons. In
. no 1055 F/53 relating to the cabine
sions, it has been suggested that
gment of land in the middle of th
act block, would not be in the best
rts of either the assignee or the
ic at large and that it will be
ficient, if the concessions granted
.o. ms. no 3097 Rev dated 20-11-52 ha
e applicable to other districts also.
is case, the coll states that the
achment is in the middle of a
act block. But as stated by the
rd, from the sketch it appears that
site adjoins the applicant's lands
is not in the middle of the compact
k while submitting proposals for
g effect to the cabinet decisions, the
d has also suggested in its proceedings
dated 25-8-53 that collectors may
y new hard cases of assignment to g
ned ryots to govt for decision

on merits in the interests of food production the Board's suggestion is being examined in the connected f [illegible]. It will be seen from the particulars given in para of the collr's letter at pp 3-4 & .F that a very large extent of A.W. la is available in this village, while there is very little demand for it on the circumstances, it is for ord whether as a special case, the coll may be permitted to sanction the assignment of 5.50 acres of lay out of the total extent of 3 673 acres of A.W. land in the village, in favour of the encroacher who i not a landless poor person

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16/9/53. 16/9/53

It will be seen from B p. 3 ante the applicant has ~~spent~~ ~~made practically no improvements~~ spent practically nothin towards improvement or reclamation the land. This cannot be called a "hard case". The only point for consideratio is whether in view of the large extent of land available for assignment in the village and the negligible demand for it, the land may be assigned to the applicant in relaxation of the current order on the subject. If it is decided to assign the land to him, market value may be collected

With reference to the orders in
regulation at the bottom of p 3 ante.
draft order is submitted for approval.

JL 9/15 3/2/9/15

MG
9/15